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REMARKS

The claim amendment incorporates an already existing dependent claim into independent claim 1. Accordingly, a new search is not required. The Examiner is requested to consider the claims even though the rejections are final.

In the Office Action, the Examiner again rejected claims 1, 6-11, 13-14 and 16-17 pursuant to 35 U.S.C. § 102(b) as being anticipated by Horner et al. (U.S. Patent No. 4,528,652). Claims 1, 9-10 and 12-14 were again rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by McElroy et al. (U.S. Patent No. 3,794,866). Claims 3-4 were again rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Horner et al. in view of Trzaskos (U.S. Patent 4,382,201). Claims 5 and 15 were again rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Horner et al. in view of Saito et al. (U.S. Patent No. 4,571,520). Claim 2 was objected to as allowable if rewritten. Claims 18-21 were allowed. Applicants respectfully request reconsideration of the rejections of claims 1 and 3-17, including independent claim 1 and 13.

New information as compared to the previous Response is provided below in italics.

Independent claim 1 recites a composite with a first material including a plurality of pockets filed with but not bonded to particles of a second material.

Horner et al. do not disclose these limitations. Applicants previously noted that Horner et al. use a low viscosity potting gel and a filler selected from oxides, metal powders and glass microspheres (abstract and Col. 1, lines 48-52). The potting gel of silicone rubber or epoxy is mixed with the filler (Col. 3, lines 6-14). After mixing, the mixture is degassed in a vacuum chamber (Col. 3, lines 15-18). The mixture is poured over the back of the elements or cast over an element (Col. 2, lines 13-15 and 29-33). The use of silicone or epoxy with the filler does not disclose the materials being not bonded. The Examiner alleges unbonded contact by gas evacuation. However, gas evacuation merely removes gases, such as air, introduced by the mixing operation. Gas evacuation does not provide no bond between the filler and epoxy or silicone.

In response, the Examiner noted that "since the backing fabrication is stated to be an alternative to adhesive materials and there is no stated indication that the mixture of particles

into rubber results in any form of bonding, the disclosure effectively embraces an unbonded particle design." However, the alternative provided by Horner et al. provides for just the opposite – bonded particle design. Horner et al. note neoprene or gum rubber backing as using adhesive bonding (col. 1, lines 34-38; and col. 2, line 66-col. 3, line 2). Since these neoprene or gum rubber backings are not self-adhering, adhesive is applied to bond the backing to the elements. These materials are solids, limiting the ability to encapsulate wires or other structures (col. 1, lines 34-38; and col. 2, line 66-col. 3, line 2). The alternative solution is to use self-adhering materials, such as the resin or epoxy gel suggested by Horner et al. (col. 1, lines 48-52; and col. 3, lines 3-14). Instead of using adhesives to bond solids, these materials may be poured onto the elements in casting to provide intimate contact (col. 2, lines 13-15 and 29-33). The casting of self-adhering resin or epoxy avoids the use of extra adhesives. Accordingly, Horner et al. provide resin or epoxy which may bond with the filler material as part of the casting. Horner et al. do not disclose a composite with a first material including a plurality of pockets filed with but not bonded to particles of a second material.

The limitations of claim 3 were included in claim 1. Claim 3 was not rejected in view of McElroy et al.

Independent claim 13 recites one material operable to generate friction with the other material in response to applied acoustic energy. Horner et al. provide filler in epoxy or resin. As discussed above, the teaching of no adhesive is because the epoxy or resin is self adhering. Accordingly, there is no suggestion of friction between the materials. The materials are compatible.

Dependent claims 2-12 and 14-16 depend from independent claims 1 and 13, respectively, so are allowable for the same reasons as the independent claim from which they depend. Further limitations patentably distinguish the dependent claims from the cited references. Claim 7 recites relative acoustic impedance of materials. Horner et al. do not show this relative impedance. Claim 11 recites the unbonded material being operable to generate friction. As discussed for claim 13, Horner et al. do not suggest the material operable to

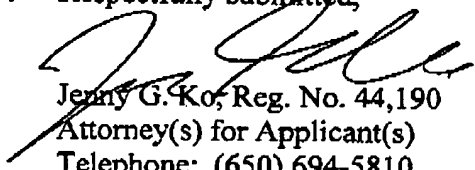
generate friction. Claim 16 recites a substantially same acoustic impedance of materials. Horner et al. do not disclose this limitation.

CONCLUSION:

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks early allowance thereof. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (650) 694-5810 or Craig Summerfield at (312) 321-4726.

PLEASE MAIL CORRESPONDENCE TO: Respectfully submitted,

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